

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In re:) CASE NO: 11-40417-659 Chapter 13
DEREK S SMITH)
) Trustee's Objection to Confirmation
TRACIE S SMITH)
) Original confirmation hearing
Debtor(s)) set for Mar 03, 2011 11:00 AM

TRUSTEE'S OBJECTION TO CONFIRMATION OF PLAN

COMES NOW John V. LaBarge, Jr., Standing Chapter 13 Trustee, and for his objection to confirmation states as follows:

1. The plan does not provide sufficient funds to pay all creditors entitled to full payment, including fair market value of secured claims and priority debts. 11 USC Secs. 1322(a)(2) & 1325(a)(5)(B)(ii)
2. The set monthly payments to be made by the Trustee exceed the plan payment.
3. The plan is ambiguous or incapable of ascertainment (11 U.S.C. Secs. 1321 & 1325(a)(3)) because:
A.3C DOES NOT SPECIFY WHICH SALLIE MAE LOAN IS BEING PAID.
B.PLAN FAILS TO ADDRESS SURRENDER OF NONRESIDENCE.
4. PLAN DOES NOT ADDRESS ENTIRE CHILD SUPPORT DEBT TO WHICH DEBTOR TESTIFIED. SCHEDULE E DOES NOT INCLUDE THIS DEBT.

WHEREFORE the Trustee prays the Court enter its order denying confirmation of the proposed plan.

/s/ John V. LaBarge, Jr.

KLW-351

Copy served on the following either
through the Court's ECF system or by
ordinary mail on February 24, 2011 :

John V LaBarge Jr
Chapter 13 Trustee
P.O. Box 430908
St. Louis, MO 63143 (314) 781-8100
trust33@ch13stl.com Fax:(314) 781-8881

HEAGLER LAW FIRM
6302 N ROSEBURY
STE 1W
CLAYTON MO 63105

DEREK S & TRACIE S SMITH
611 SUNNY PASS DR
O FALLON MO 63366